

# SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING  
100 NORTH NINTH STREET  
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## **Granted Appeal Summary**

### **Case**

COMMONWEALTH OF VIRGINIA v. EMILY KATHERINE DELAUNE  
(Record Number 230127)

### **From**

The Court of Appeals of Virginia.

### **Counsel**

Victoria Johnson (Office of the Attorney General) for appellant.

Melissa I. Bray (Office of the Public Defender) for appellee.

## **Assignments of Error**

3. The Court of Appeals erred when it concluded that the Commonwealth was bound on appeal by the prosecutor's statements in the trial court and when it concluded that Code § 19.2-306.1 applied retroactively to Delaune's probation violation.
4. The Court of Appeals erred when it concluded that the trial court abused its discretion in sentencing Delaune to 60 days in jail upon revoking a portion of her previously suspended sentence.